

continuous parallel arterial routes and available arterial/interchange capacity, absence of alternatives other than single-occupant-vehicle travel (HOV lanes or transit service), and lack of a major program of Transportation System Management (TSM) strategies.

Alternatives under consideration include (1) take no action; (2) implementation of TSM/Expanded Bus Service; (3) construction of a fixed guideway from the MTA Blue Line in Long Beach to the Santa Ana Transportation Center; (4) construction of an additional general purpose lane in each direction on SR-22 between SR-55 and I-405 and construction of a general purpose limited access arterial on the former Pacific Electric right-of-way; (5) construction of an HOV lane in each direction on SR-22 between SR-55 and I-405, and (6) construction of HOV lanes on SR-22, a four-lane HOV section on I-405 between SR-22 and I-605, development of the Pacific Electric right-of-way as a general purpose arterial including direct connector ramps with SR-22, and construction of HOV connectors at the SR-22/SR-55 interchange, the I-5/SR-22 interchange, the SR-22/I-405 interchange, and the I-405/I-605 interchange.

Letters describing the proposed action and soliciting comments are being sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. Letters were sent February 25, 1998, to the resource/regulatory agencies seeking their input as cooperating agencies. A public and agency scoping meeting will take place on June 23, 1998, from 3:30 p.m. to 7:00 p.m. in Garden Grove at the Garden Grove Community Center, 11300 Stanford Avenue. A public hearing will be held in the Spring of 1999 and a public notice will be given of the time and place of the hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on federal programs and activities apply to this program)

Issued: May 27, 1998.

C. Glenn Clinton,
Chief, District Operations—South
Sacramento, California.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA-98-3637] — /

Qualification of Drivers; Waiver Applications; Vision

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of petitions and intent to grant applications for waiver; request for comments.

SUMMARY: This notice announces the FHWA's preliminary determination to grant the applications of twelve individuals for a waiver of the vision requirements in the Federal Motor Carrier Safety Regulations. Granting the waivers will enable these persons to qualify as drivers of commercial motor vehicles in interstate commerce without meeting the vision standard prescribed in 49 CFR 391.41(b)(10).

DATES: Comments must be received on or before July 6, 1998.

ADDRESSES: Your written, signed comments must refer to the docket number at the top of this document, and you must submit the comments to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Thomas, Office of Motor Carrier Research and Standards, (202) 366-8786, or Ms. Judith Rutledge, Office of the Chief Counsel, (202) 366-0834, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users can access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>.

It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the **Federal Register** Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the **Federal Register's** home page at: <http://www.nara.gov/nara/fedreg> and the Government Printing Office's database at: http://www.access.gpo.gov/su_docs.

Background

Twelve individuals have requested a waiver of the vision requirement in 49 CFR 39.1.4.1 (b) (10), which applies to drivers of commercial motor vehicles in interstate commerce. Under 49 U.S.C. 31136(e), the FHWA may waive application of the vision standard if the agency determines the waiver is consistent with the public interest and the safe operation of commercial motor vehicles.

The FHWA has evaluated each request on its merits, as required by the decision in *Rauenhorst v. United States Department of Transportation, Federal Highway Administration*, 95 F.3d 715 (8th Cir. 1996), and made a preliminary determination that granting the waivers is consistent with the public interest and the safe operation of commercial motor vehicles.

Qualifications of Applicants

1. Larry A. Dahleen

Mr. Dahleen is a 48-year-old individual who contracted a retinal disease in his right eye at the age of 5. The disease decreased Mr. Dahleen's visual acuity in the eye and prevents him from meeting the vision requirement of 49 CFR 39.1.4.1 (b) (10).

A 1997 letter from an optometrist states Mr. Dahleen has light perception in his right eye and 20/15 vision in his left eye. In the optometrist's opinion, Mr. Dahleen can perform the tasks necessary to operate a commercial motor vehicle. Because the retinal disease occurred in 1954, Mr. Dahleen has had almost 44 years to adapt to his vision deficiency. His driving experience and record demonstrate he has adapted successfully.

Mr. Dahleen holds an Iowa commercial driver's license with a hazardous materials endorsement. He has operated tractor-trailer combination vehicles for 11 years and has driven more than 1,250,000 miles since 1987. His driving record contains no traffic violations and no accidents. He has been employed by the same company

since 1988 and the company, Heartland Express, says it has given Mr. **Dahleen** "safety bonuses and safety awards" since 1989 for his driving performance.

2. Earl D. Edland

Mr. **Edland** is 53 years old and has been employed as a commercial truck driver for 35 years. In 1975, he sustained a retinal detachment in his right eye. This condition prevents him from meeting the vision requirement of 49 CFR 39 1.4 1 (b) (10), and it renders him unqualified as a driver of commercial motor vehicles in interstate commerce unless the standard is waived.

A 1997 medical report indicates Mr. **Edland** has no light perception in his right eye. He has 20/20 vision in his left eye with corrective lenses. In his ophthalmologist's opinion, Mr. **Edland** is capable of operating a commercial motor vehicle. Because the retinal detachment occurred in 1975, Mr. **Edland** has had almost 23 years to adapt his driving skills to accommodate his vision deficiency. His safe driving record demonstrates he has adapted successfully.

Mr. **Edland** holds a Minnesota commercial driver's license and intrastate vision waiver. He has driven commercial motor vehicles more than 1 million miles since 1963. His driving record for the last 6 years in all vehicles reflects one speeding ticket and no accidents. He has been employed by the same company since 1993 and prior to that was a driver for another company for more than 25 years until it filed for bankruptcy.

3. Dale Hellmann

Mr. **Hellmann** has been employed as a commercial truck driver for 37 years. He has had a congenital irregularity called amblyopia in his left eye since birth. Because of this eye condition, Mr. **Hellmann** is unable to meet the vision requirement of 49 CFR 39 1.4 1 (b) (10).

A 1997 medical report indicates Mr. **Hellmann** has light perception in his left eye and 20/30 vision in his right eye with corrective lenses. His optometrist states Mr. **Hellmann** has the skills to operate a commercial motor vehicle. Having had amblyopia since birth (194 1), he has had a lifetime to adapt to it.

He has driven straight trucks approximately 1.3 million miles since 1963. His driving record for the 3 years preceding his waiver application reflects no traffic violations and no accidents. Mr. **Hellmann** operates a commercial motor vehicle for a towing company. He has been employed by the towing company since 1986 and intends

to continue driving for it if his waiver is granted. His employer states Mr. **Hellmann's** driving record "[has] been exemplary."

4. Dan E. Hillier

Mr. **Hillier**, 35, has had amblyopia of the right eye since birth and cannot meet the Federal vision standard. A 1997 examination by an optometrist revealed the vision in his left eye to be 20/20 with corrective lenses. The optometrist stated Mr. **Hillier** can perform "all visual tasks required" to operate commercial motor vehicles.

Mr. **Hillier** has a Minnesota commercial driver's license with a hazardous materials endorsement. He has driven many types of commercial motor vehicles in his 7-year professional driving career, including straight trucks, tractor-trailer combinations, and buses. His official State driving record reflects no traffic violations or accidents in any commercial vehicle in the last 3 years.

5. Robert J. Johnson

Mr. **Johnson** is a 36-year-old individual who has had amblyopia of the right eye since birth. He has 20/20 vision in his left eye with corrective lenses. An ophthalmologist examined him in December 1997 and asserted Mr. **Johnson** "can safely drive a vehicle of any type . . . both day and night. . . ."

Mr. **Johnson** has 13 years of experience operating straight trucks and tractor-trailer combinations. He holds a Minnesota commercial driver's license with an intrastate waiver and has driven more than 1 million miles in commercial vehicles. He has no traffic citations or accidents on his official driving record in the last 3 years. Mr. **Johnson's** employer affirms he has driven trucks "in a safe, professional manner" since his 1994 hiring.

6. Bruce T. Loughary

Mr. **Loughary's** right eye has a macular scar which makes him unable to meet the Federal vision standard. His ophthalmologist says the scar has been present since Mr. **Loughary**, now 35, was about 6 years old. The vision in his left eye is 20/20 with corrective lenses, and the ophthalmologist believes he is able to operate a commercial motor vehicle.

Mr. **Loughary** has a commercial driver's license with hazardous materials and tank vehicle endorsements. He has been a professional truck driver for 16 years and has driven straight trucks and combination vehicles. There are no traffic violations or accidents in commercial motor vehicles on his official driving record. Mr. **Loughary** has

been employed by a delivery service since 1991 and intends to continue driving for it if he receives a vision waiver.

7. Michael L. Manning

Mr. **Manning**, 31, had an accident when he was 16 which left him blind in his right eye. The vision in his left eye is 20/20 with glasses. His optometrist states Mr. **Manning** is able to perform the duties of a commercial motor vehicle driver.

Mr. **Manning** holds a Missouri commercial driver's license. He has operated tractor-trailer combinations for 7 years and has accumulated more than 900,000 miles behind the wheel. His official driving record for the last 3 years reveals no accidents and one speeding ticket in a commercial motor vehicle. Mr. **Manning's** two most recent employers wrote letters affirming his "excellent" driving performance.

8. Leo L. McMurray

Mr. **McMurray** is 56 years old and has had amblyopia of the left eye since early childhood. He has 20/20 vision in his right eye with corrective lenses. His optometrist recommends he "be allowed [to] continue his job as a truck driver."

Mr. **McMurray** has driven straight trucks for 34 years. He has no traffic violations or accidents in a commercial motor vehicle on his official State driving record. Like the other waiver applicants, Mr. **McMurray** has had many years to adjust to his vision deficiency. His safe driving record indicates he has adjusted successfully.

9. Gerald Rietmann

Mr. **Rietmann**, 55, has had amblyopia of the right eye since birth. His left eye was measured at 20/20 with corrective lenses in a September 1997 examination, and the ophthalmologist asserts Mr. **Rietmann** "can more than adequately perform" the tasks required to operate a commercial motor vehicle.

Gerald **Rietmann** has a Minnesota commercial driver's license and a Minnesota intrastate vision waiver. He has operated straight trucks for 22 years and has driven more than 900,000 miles. His driving record contains no traffic violations or accidents in a commercial motor vehicle in the last 3 years. Mr. **Rietmann** has been employed as a delivery driver by the same company for the past 20 years, and its traffic manager calls him a "valued employee" who has driven in an "exemplary fashion with no incidents."

10. Jimmy E. Settle

Mr. **Settle** has had amblyopia of the right eye since birth. His vision in the

eye with corrective lenses is 20/50, according to a December 1997 examination, but this is not sufficient to meet the vision standard at 49 CFR 39.1.4.1 (b) (10). His left eye is correctable to 20/20. According to his optometrist, Mr. Settle can perform the tasks associated with driving a commercial motor vehicle.

Mr. Settle is 47 years old; he has operated tractor-trailer combinations for 23 years and driven more than 2.5 million miles. He has worked for the same company all those years. He has had no traffic violations or accidents in a commercial motor vehicle in the last 3 years.

11. Robert A. Wagner

Mr. Wagner, 34, was diagnosed with amblyopia of the right eye when he was 4 years old. The vision in his left eye is 20/20 without glasses. His optometrist says Mr. Wagner is able to perform the tasks associated with operating a commercial motor vehicle.

Mr. Wagner has driven straight trucks, tractor-trailer combinations and buses more than 1.2 million miles in an 18-year driving career. He has a Missouri commercial driver's license and his official State driving record contains no traffic violations or accidents in a commercial motor vehicle. He has operated a combination vehicle for the same company since 1990.

12. Hubert Whittenburg

Mr. Whittenburg, 51, has had amblyopia in his left eye since birth. A 1997 medical report indicates he has 20/20 vision in his right eye with corrective lenses and 20/100 corrected in his left eye. In his ophthalmologist's opinion, Mr. Whittenburg is capable of operating a commercial motor vehicle.

Mr. Whittenburg holds a Missouri commercial driver's license and has been employed as a commercial truck driver since 1967. He has driven straight trucks approximately 500,000 miles and tractor-trailer combinations 3.5 million miles. His driving record for the last 3 years reflects one speeding ticket in a commercial motor vehicle and no accidents in any vehicle. Mr. Whittenburg has been employed by the same company since 1983, and his employer attests to his driving safety.

Basis for Preliminary Determination To Grant Waivers

Independent studies support the principle that past driving performance is a reliable indicator of an individual's future safety record. The studies are filed in FHWA Docket No. FHWA-97-2625 and discussed at 63 FR 1524, 1525 (January 9, 1998). All twelve waiver

applicants have many years of experience operating commercial motor vehicles with their vision deficiency and have demonstrated their ability to drive safely.

The FHWA believes waiving 49 CFR 39.1.4.1 (b) (10) is consistent with the public interest and the safe operation of commercial motor vehicles as long as the applicants' vision continues to measure at least 20/40 (Snellen) in the better eye. As a stipulation of the waiver, therefore, the FHWA proposes to impose requirements on these individuals consistent with the grandfathering provisions applied to drivers who participated in the agency's former vision waiver program.

Those requirements are found at 49 CFR 39.1.64(b) and include the following: (1) that each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests his vision continues to measure at least 20/40 (Snellen) in the better eye, and (b) by a medical examiner who attests he is otherwise physically qualified under 49 CFR 39.1.4.1; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to his employer for retention in its driver qualification file or keep a copy in his driver qualification file if he becomes self-employed. He must also have a copy of the certification when driving so it may be presented to a duly authorized Federal, State, or local enforcement official.

Authority: 49 U.S.C. 31136; 23 U.S.C. 315 49 CFR 1.48.

Issued: May 26, 1998.

Kenneth R. Wykle,

Federal Highway Administrator.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-42 (Sub-No. 84X)]

Boston and Maine Corp.— Abandonment Exemption—in New Haven County, CT

Boston & Maine Corporation (B&M) has filed a notice of exemption under 49 CFR part 1152 subpart F-Exempt Abandonments and Discontinuances to abandon an approximately 0.48-mile line of railroad on the Watertown Industrial Track between Engineering Station 19+50 (approximately milepost

0.94) and Engineering Station 44+66 (approximately milepost 11.2) in Waterbury, New Haven County, CT. The line traverses United States Postal Service Zip code 0670 1.

B&M has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic has been rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 115.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment-Goshen*, 30 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on July 3, 1998, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues, formal expression of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.19 must be filed by June 15, 1998. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by June 23, 1998, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: John R. Napolny, Esq., Boston and Maine Corporation, Law

¹ The Board will grant a stay if informed decision on environmental issues whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1000. See 49 CFR 1002.2(f)(2)(5).